

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

TEAM KENNEDY, :

Plaintiff, :

vs. : **Civ. Action # 1:24-cv-3897-ALC**

: **Judge Andrew L. Carter Jr.**

:

HENRY T. BERGER, in his official :

capacity as the Co-Chair of the New York :

State Board of Elections; PETER S. : **Plaintiff's Status Report**

KOSINSKI, in his official capacity as the :

Co-Chair of the New York State Board of :

Elections; ESSMA BAGNUOLA, in her :

official capacity as a Commissioner of the :

New York State Board of Elections; :

ANTHONY J. CASSALE, in his official :

capacity as a Commissioner of the New :

York State Board of Elections; KRISTEN :

ZEBROWSKI STAVISKY, in her official :

capacity as Co-Executive Director of the :

New York State Board of Elections; :

RAYMOND J. RILEY, III, in his official :

Capacity as Co-Executive Director of the :

New York State Board of Elections; and, :

LETITIA JAMES, in her official capacity :

as the Attorney General of the state of :

New York, :

: ***Filed Electronically***

Defendants. :

PLAINTIFF'S STATUS REPORT

Plaintiff filed the instant action on May 20, 2024. At the time Plaintiff filed this action, Plaintiff believed certain of the claims would require expedited action in the form of a preliminary injunction. While Plaintiff's claims remain important

and will be litigated to conclusion on the merits, it became clear to Plaintiff soon after the complaint was filed that expedited action would not be required on the claims initially identified. Accordingly, and because the factual situation continued to evolve after the complaint was initially filed, Plaintiff has held off on serving and prosecuting this complaint. However, it has become apparent that other claims would need to be amended into a revised complaint and that Plaintiff will need to seek expedited review on that claim only.

On Wednesday afternoon, August 7, 2024, the Supreme Court state judge sitting in Albany adjudicating a frivolous challenge to the ballot access petition filed by Plaintiff on behalf of Robert F. Kennedy Jr. and Nicole Shanahan for the offices of President and Vice-President of the United States amazingly announced, in open court, that she did not intend to consider the constitutionality of certain New York ballot access restrictions under the federal constitution as applied to presidential and vice-presidential candidates contesting a national, rather than a New York, election contest.

Because a New York trial court judge just announced her refusal to consider whether certain New York ballot access restrictions are constitutional under the United States Constitution (ballot access rules clearly intended to prevent New York politicians from being able to carpet bag from one state jurisdiction to another, and with no applicability to the validity of presidential and vice-

presidential ballot access petitions, and in violation of the 1st, 12th and 14th Amendments to the United States Constitution), expedited federal action will be required. Plaintiff's counsel is actively drafting the amended complaint on this date. Plaintiff anticipates that only a single new count, made part of an amended complaint will require expedited action. Accordingly, Plaintiff will file an amended complaint with this court and serve the original and amended complaint on defendants, along with the summons, as soon as possible, but in no event later than August 16, 2024.

Respectfully submitted,

Dated: August 9, 2024

/s/ Gary L. Donoyan
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